

Notice of Allowability	Application No. 09/471,497 Examiner Anand Bhatnagar	Applicant(s) MIHARA ET AL. Art Unit 2623
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 08/24/05.
2.  The allowed claim(s) is/are 4, 7, 16, 23, 38, 40, and 42.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
- ✓ 6.  Interview Summary (PTO-413),  
Paper No./Mail Date 10/13/05.
- ✓ 7.  Examiner's Amendment/Comment
- ✓ 8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Zack Stern on 10/04/05.

Regarding claims 4 and 7 on line 1 of each claim please **replace** "claim 1" with --claim 38--.

Regarding claims 16 and 23 on line 1 of each claim please **replace** "claim 9" with --claim 40--.

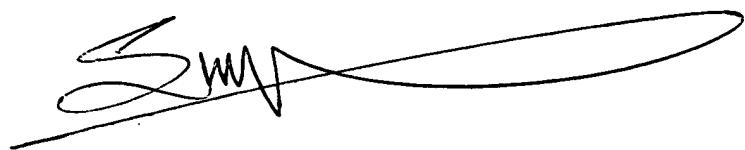
2. Examiner discussed, on 10/04/05, with applicant's representative the advisory action that was sent out on 09/06/05 stating that new matter was introduced and new search will be needed to be performed. After further consideration examiner agreed with applicant's representative that the advisory action, filed on 09/06/05, should be withdrawn (please see interview summary for full explanation). Therefore, examiner is withdrawing the advisory action sent out on 09/06/05.

3. Claims 4, 7, 16, 23, 38, 40, and 42 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 38, 40, and 42 the closest prior art of Masuda et al. ("A robust method for registration and segmentation of multiple range images" Masuda, T.; Yokoya, N.; CAD-Based Vision Workshop, 1994., IEEE, Proceedings of the 1994 Second , 8- 11 Feb. 1994 Pages:106 - 113) discloses to detect motion in range images by first transforming/deforming the first range image and comparing the transformed image to a second range image. Masuda does not teach, alone nor in combination with the other prior art, the features of "segmenting the range image of the object in units of voxels according to a distance value of the range image" and wherein "the deformed image is generated by deforming the range image based on a position of the voxel," these, in combination with the other respective claim limitations.
5. Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

#### **Contact Information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Bhatnagar whose telephone number is (571) 272-7416, whose supervisor is Jingge Wu whose number is (571) 272-

7429, group fax is 703-872-9306, and Tech center 2600 customer service office  
number is 703-306-0377.



SAMIR AHMED  
PRIMARY EXAMINER



Anand Bhatnagar

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October 13, 2005